

1887-040
Lee Co.

Chancery Causes: A. L. Pridemore vs. Jonathan M. Wyatt &c

Bruce, Jones, Haburn

CA-Debt
T-Property

To The Hon. H. S. K. Morrison Judge
of the Circuit Court of Lee Co Va
your orator A. L. Pridemore
Humbly Complaining would
respectfully represent that
heretofore, to wit at the November
Term of this Hon. Court he
obtained a judgement against
Jonathan M. Wyatt, for the sum
of \$377, and legal interest thereon
from the 23 day of March 1880 until
paid and \$7.86 costs. Upon this
he caused execution to issue & the
same was placed in the hands of
R. D. Flanary sheriff of Lee
County and has been by him returned
no property found, a copy of all
which will be found herewith
filed as part hereof marked A.
This judgement nor no part
thereof has ever been paid
your orator, but remains wholly
due him. The same has been
duly docketed & indexed as the
law requires and constitutes a
lien as he is advised upon the
said Wyatt land, situated in
this County -

The said wyatt owns a small but valuable farm situated in this County in the Turkey Cove where on he resides, and which is subject to said lien, the rents and profits of which will not in five years pay the same.

This judgement was rendered upon a bond executed to your orator & the late Wm H. Burns now deceased, who were commissioners in the Chancery cause of G. C. Gore v. Jones against James H. Jones Sr, by James H. Jones Jr. said wyatt, and Benj H. Habern But judgement was not rendered against said Habern he being a non resident, nor against the said Jones he having departed this life before suit. The bond was executed for a part of the purchase price of 78 acres of valuable land of the James H. Jones tract being $\frac{1}{4}$ thereof and the last installment the other party having been paid. No deed has been made for the same but the title has been reserved as security, and said judgement is therefore a vendors lien

on this tract also, which is ample to pay the same. The said James F. Jones Jr. before his death made and published his last will and Testament by which he devised the said said land so purchased by him, to Elizabeth Jones his mother and Daniel H. Bruce qualified as his personal representative, none of which parties have ever paid any part of said bond or judgment.

The object of this bill therefore is to have said purchase money lien enforced, on the said 78 acre tract & the same or so much as may be necessary sold to pay the same, and if found necessary that said judgment lien be enforced against said Wyatt, land for the payment of the same.

Your orators prayer therefore is that Jonathan M. Wyatt, Benj. F. Habern Daniel H. Bruce administrators with the will annexed of the estate of James F. Jones Jr. and Elizabeth Jones be made parties defendants to this bill & answer its allegations upon oath and

Q \$6.13 to 1/2 p
 S 1.50
 A 15.00
 Estimate 22.63

A. S. P. ^{JP}
 A. S. P. Ridenour

v. } Bill Chy

Jonathan W. Hyatt Esq

1887, Feb 19 Bill filed & served
 Executed & Decree made
 11 March 2. 4. 1/2 confirmed
 & Decree made for hearing
 11 Mr. Ridenour & Cont. 1/2

Cost at Law

Q 4.61
 S 50
 A 2.50
 Cole 25
 \$7.86

Upon a hearing & decree be rendered
 enforcing said decree, in conformity
 with the object and spirit of this bill
 And for all other further and special
 relief. May your wisdom be

A. S. P. Ridenour

A. S. Pridemore - - - - - Plff.

against
Jonathan M. Hyatt et als. Deft. } In chg

This
Cause came on upon the bill taken
for confessed and exhibits filed
and was argued by Counsel, on
consideration of which and for
reasons appearing to the Court, it is
adjudged ordered and decreed
that the plff. recover from the
defendants Jonathan M. Hyatt
adm of the estate of James G. Jones & Regent,
and D. H. Bruce, the sum of
\$384.86, with legal interest on \$377.
part thereof from the 23^d day of
March 1880. And that unless the
defendants or some one for
them pay the same within 30 days
from the rising of this Court
then Reese D. Flannery, who is
by directed as sheriff, will sell
so much of the land in the
bill mentioned, as the 78 acre tract
sold to James G. Jones Jr. in his
lifetime as well pay the same
and costs of this suit & sale, which
said costs are adjudged against
the defendants, as well pay
and satisfy the same - He will

A. L. Pickens

v. L. L. L. L.

for sale.

Jonathan M. Hyatt

March 30 1887

Entered page 17

Enter this
March 30 1887
W. H. M.

Make sale thereof, on some
Court day at the front door of
the Court House by public outcry
to the highest bidder - He will
sell the same on a credit of
6, 12 or 18 mo., except so much
as may be required to pay
costs of suit & sale he will re-
quire paid in hand and for the
residue take bonds payable to him
with approved personal security
bearing interest from day of sale.
But before proceeding to sell
he will advertise the time terms
and place of sale for at least
30 days on the front door of the
Court House and in the neighbor-
hood where the land lies - He will
report his action to this Court at
some future term and the cause is
continued.

Virginia Lee County to wit:

A. L. Pridemore Commissioner plaintiff complains of James F. Jones John Riddle and Ellington Wells defendants who have been summoned of a plea, that they tender unto the plff the sum of One thousand four hundred and fifty ~~one~~ dollars and 42 Cents, which to the plaintiff they owe and from him unjustly detain for this, that heretofore to wit on the 15th day of November 1874 the defendants made their certain writing obligatory sealed with their seals and signed with their signatures the date whereof is the day and year aforesaid, by which said writing obligatory the defendants, bound themselves ^{jointly and severally} to pay ^{to the plff} twelve months after the date thereof, with interest from said date, the said sum of \$1451.42, and as to said debt the said defendants waived their homestead exemption.

Nevertheless the defendants have not as yet nor has either of them although often requested so to do paid said sum of money or any part thereof, to the plff, but the same or any part thereof to pay to pay to the plff, the defendants have and each of them hath hitherto wholly failed ^{and still doth fail & refuse} and refused to the plffs claim of \$1451.42, hence suit &c.

A. L. Pridemore

W.P.

A. L. Pickens & Co.

vs J. Decker Debt

James H. Jones et al.

Bond enclosed.

1876 July Deed Filed.

See entry, P. O.

" Aug Cled to Jurisdiction

" Aug. Decree to file & send

" " together filed & signed
to file rejected &

judgt & suspend
in England

£ 5.25-
a 2.50
8 1.50
\$ 9.25-

Virginia See county.

James H. Jones & others

vs

Ed. L. Bridlemore Common.

} In Debt.

The Defts say that before the commencement of this suit, to wit on the day of 1873, one Allen Pritchard, instituted his suit in Chancery in the Circuit Court of said County, against James H. Jones, now one of the Defts in this suit, to enforce a venditor, lien, and by a decree rendered in said cause, the Pltff, in this suit Ed. L. Bridlemore, was ^{as commissioner} ordered to sell the land in said Bill mentioned, which he did, and the said James H. Jones, became the purchaser, and executed the bond sued on this suit, for one of the instalments of the purchase money with John Riddle, & Ellington Wells, his Surety therein, and the said purchaser failing to pay said bond when its maturity, the said Pltff in said Chancery suit, afterwards to wit ^{and before the commencement of this suit,} on the day of 1876, procured an order to issue against the said purchaser, and his said Sureties, returnable to the day of the next term 1876, to show cause, why the said land should not be sold, to pay said instalment, which rule was executed upon the parties, and the said Chancery suit, and said rule therein are still pending in the said Circuit Court of said County, as by the record and proceedings thereof, remaining in the said Court, more fully appears.

And the said Defts further say, that the parties in this suit, and the said ^{former} rule or order for the said Chancery suit, are the same, and not other or different persons; and that the said writing obligatory here sued on, is the identical, & same writing obligatory upon which the said rule, or order was issued in the said Chancery Cause, ^{before this suit was instituted,} & none other, & the said rule, or order is still depending in said Court, and that the said Defts are ready to verify & acknowledge &c.

Lane & Richmond for Defts

1802
James F. Jones & others
dols { Plea - former suit pending
A. L. Pringleman.

W. A. A. Frederickson Comm'r & Co.

James H. Jones & others } In Debt.

Be it remembered, that upon the calling
up this cause, that it appeared, that the Defts. had
filed at the August rules 1876, their plea c 1
in the words & figures following: The Defts say &c.
here insert the plea, and they also offered at
the said calling their plea c 2, in the words
& figures following. The Defts say &c., here insert
the plea, to the 1st plea the Pltffs demurred, and
her demurrer was sustained, and to the 2d plea
the Pltffs objected, and the ^{court} sustained the objection
and refused to permit said plea to be filed;

To which action of the Court, the Defts. excepted
and pray their exception ^{signed & filed} to be made a part
of the record, which is accordingly done.

Wm. A. Keeg (Deft)

Car H. Loring & Co
adv. 3 Bill in caption
A. B. Prichard & Co
Filed Sept 8th 1876.

James W. Orr clerk.
Pay order 30 days
Bond \$500.00

The Commonwealth of Virginia:

"Scott Banner Job Print."

WE COMMAND YOU TO SUMMON

TO THE SHERIFF OF LEE COUNTY—GREETING:

Wells

James F. James, John Riddle & Ellington

to appear at the Clerk's Office of the ^{Circuit}~~County~~ Court of Lee County, at the Court House on the first Monday in

next, to answer ~~as~~

Lirly
of a plea of Debt for \$1451.42 Damage \$1451.42
A. L. Pridemore Commissioner

And have then there this writ. Witness, **James W. Orr.** Clerk of our said Court, at the Court House this *26th*
day of *April* 187*6*, in the *100th* year of the Commonwealth.

James W. Orr.

CLERK.

L2410

A. L. Pendmore Comr
vs. James Debit
Jas H Jones et als

July Rules 1876
Executed J C Scott Ws.
for Y S Ely & L C.

Virginia Lee county.

James F. Jones & others
advs. } In Debt,
A. L. Bridlemore Commt. }

The Defts say, that this Court ought not to have
or take further cognizance of the action aforesaid, because
they say that the said supposed cause of action, (if any
such has accrued to the said Pltff) accrued to the said
Pltff, upon a bond, executed by the Defts, to the Pltff,
for land sold by him as Commissioner, in the Chancery
cause of Allen Pritchard, against ~~the Defts~~ James F. Jones,
one of the depts in this cause, under a decree rendered
in said cause, which is still pending in the Circuit
Court of Lee County Virginia, and therefore the Defts
say, this Court has no jurisdiction of this action,
and that they are ready to ^{as more fully appears} verify by the record of said
^{now remaining in said court,} Chancery suit, wherefore they pray judgment, whether
this Court can, or will take further cognizance of the
action aforesaid.

L. V. M. for Defts.

James F. Jones, are of the depts in the above filed,
this day made oath before me the undersigned, that the
plea hereto annexed is true in substance and fact.

August 31st 1870.

James W. Orr, Clerk.

1801

James H. Conner & others
vs. ^{John} Pled Jurisdiction
vs. J. Pridemond Commr.

1876. Aug. Rules, this
filed filed.

James W. Orr. clk.

Notice this filed
as filed at rules
at 7/2

Twelve month after date we or either of
us promise to pay S. L. Pridemore Com-
missioner, one thousand four hundred and
fifty ~~three~~ dollars & 42 Cents with interest
thereon from this date - and as to this debt we
hereby waive our homestead exemption
witness our hands and seals this 15th Novem-
ber. 1874.

James H. Jones (Seal)
John Riddle (Seal)
Ellington Mills (Seal)

James F. Jones
to & notes.

12

A. L. Pridemore Cond.

due 123 yew

5/11/71

The Commonwealth of Virginia,

To the Sheriff of Lee County--Greeting:

We Command You, That of the Goods and Chattels of

late in your Bailiwick, you cause to be made \$ 377.00, with legal interest thereon from the 23rd day of March, 18 80, till payment, which

late in our Circuit Court of Lee County, has recovered against him by suit for Debt
Also, \$ 7.86, which to the said

Portman & Son &c in our Court were adjudge for his costs in
that behalf expended, whereof the said

Myatt is convicted, as appears to us of record. And that you
have the same before the Judge of our said Court at the Court House on the first Monday in February
next, to render to the said Portman & Son &c
of the Debt and costs as aforesaid. And have then and there this Writ.

Witness, J. A. G. HYATT, Clerk of our said Court, at the Court House, this 4 day of Decr

1886, in the 19 year of the Commonwealth.

J. A. G. Hyatt Clerk.

64.61
3 50
42.50
Cale 25
7.86

A Copy

Teste J. A. G. Hyatt &c

230) Christ (P)

A. L. Pridemore Junr

W³/₃ L. H. H.

J. M. Wyatt

To Feby Rules 1887

No property found
R. D. Shauway & Co

A copy
Sent to J. M. Wyatt

Fee for copy 40¢

The Commonwealth of Virginia,

To the Sheriff of LEE COUNTY--Greeting:

WE COMMAND YOU to summon

Jonathan M. Hyatt

*Daniel H. Bruce Admr. with the will
unmoved of James H. Jones Jr. decd, Elizabeth
Jones and Benjamin F. Haburn*

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House
on the first Monday in *February* next, being Rule Day, to answer a
Bill in Chancery exhibited in our Court against *them*, by

A. L. Pridemore

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said
Court, at the Court House, this *24* day of *January* 188*7* in
the 1*1* year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste:

(P)
A. L. Spidmore
vs $\frac{3}{3}$ Spainchey
Jno. M. Wyatt et al

To February Rules 1887

Executed by deliver-
ing office copies of this
Spa to J. M. Wyatt, D. &
Bruce Hunt, and to
Elizabeth Jones, Feby.
2^d 1887.

E. C. Flannery Deputy
for R. D. Flannery S. L. &